XIHC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(14)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Cr.M.P. No.183/2007

(Revision under Section 482 of the Cr.P.C.)

(Single Bench: Hon'ble Mr. Justice Dhirendra Mishra)

Petitioner — ABDUL AZIM @ BHONDU, S/o Abdul Kareem @ Salam, Age about 45 years, R/o In front of Baba Mazar, Maudaha-para, tahsil & District Raipur (C.G.)

Vs.

Respondents

1. STATE OF CHHATTISGARH, Through District Magistrate, Collectorate Office, Raipur, District Raipur (C.G.)
2. LOKESH KUMAR, S/o Lalit Kumar Tiwari, Age About 39 years, R/o Jamuna Kunj, Indrawati Colony, Rajatalab, District Raipur (C.G.)

25.7.2007

Mr. Yogesh Pandey, Advocate for the petitioner.

Mr. G.K. Beriwal, Dy. A.G. for respondent No.1.

Heard.

The petitioner has impugned the order dated 9.1.2007 passed by 8th Additional Sessions Judge, Raipur in Criminal Revision No.286/2006 whereby learned Additional Sessions Judge has dismissed the criminal revision

मामला क्रमांक.....**सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

preferred by the petitioner herein against the order dated 21.8.2006 passed by learned Sub Divisional Magistrate, Raipur in Case No.1724/06.

Learned counsel for the petitioner submits that learned Sub Divisional Magistrate without passing any order under Section 145 (1) of Cr.P.C. has straightaway ordered attachment of the disputed property, which is not permissible under the law and this aspect has not been considered by learned Additional Sessions Judge also in the impugned order.

I have heard learned counsel for the petitioner.

I have perused the order passed by the Sub Divisional Magistrate as also the impugned order passed by learned Additional Sessions Judge.

From perusal of the order dated 21.8.2006, it is evident that on the basis of report submitted by the Station House Officer, Police Station Maudhapara, Raipur that both the parties are engaged in quarrel in connection with dispute pertaining to House No.27/7, he is satisfied with the situation exist which may occasion breach of peace in the locality and accordingly, exercising the power under Section ~~157~~ 146 (1) the property in question has been attached and given in the interim custody of the Station House Officer.

Learned Additional Sessions Judge after considering the relevant provisions of Sections 145 & 146 of Cr.P.C. and after perusing the order passed by the Sub Divisional Magistrate has held that that order passed by

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(10)

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Sub Divisional Magistrate is strictly in accordance with law and it has been further held that it is open to the parties to get their rights ascertained by the competent Civil Court and with these findings the revision has been rejected.

In view of the above, the learned Additional Sessions Judge has not committed any illegality or infirmity in passing the impugned order. The revision has no substance, the same is liable to be dismissed and it is hereby dismissed.

However, taking consideration the facts and circumstances of the case and further considering that the property stands attached since 2.8.2006, learned Sub Divisional Magistrate is directed to decide the matter expeditiously.

Sd/-
Dhirendra Mishra
Judge

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